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Company: United States Patent & Trademark Office
Fax Number: (571) 273-8300

From: Daniel C. Kloke
Phone Number: (650) 812-3440
Fax Number: (650) 812-3444

RE: Our Ref: PA3937US

Date: February 22, 2007

Total pages: 7 (includes cover sheet)

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MESSAGE:

Please see attached.

{00154598v1}

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PTO/SB/21 (09-04)

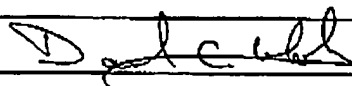
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/766,615	
	Filing Date	July 26, 2001	
	First Named Inventor	Glenn Ferguson	
	Art Unit	2128	
	Examiner Name	Russell Warren Frejd	
Total Number of Pages In This Submission	6	Attorney Docket Number	PA3937US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1) Statement Under 37 CFR 3.73(b) (PTO/SB/96) 2) Copy of Assignment (2 pages) 3) Change of Correspondence Address (PTO/SB/122)
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Carr & Ferrell LLP	
Signature		
Printed name	Daniel C. Kioke	
Date	February 22, 2007	Reg. No. 58,417

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name	Daniel C. Kioke, Reg. No. 58,417	Date February 22, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEB 22 2007

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Glenn Ferguson et al.
TITLE: Data Model for Automated Server Configuration
SERIAL NO.: 09/766,615
FILING DATE: July 26, 2001
EXAMINER: Russell Warren Frejd
ART UNIT: 2128
ATTY.DKT.NO.: PA3937US

COMMISSIONER FOR PATENTS
PO BOX 1450
ALEXANDRIA, VA 22313-1450

REVOCATION AND POWER OF ATTORNEY


I, the undersigned, **Jordan Breslow, General Counsel of Opware Inc.**, the assignee of the entire right, title and interest in the above-referenced United States patent application, am authorized to act and sign on behalf of the assignee and hereby revoke all prior powers of attorney previously submitted in the above-referenced U.S. patent application and hereby appoint the agents and attorneys associated with Customer Number 22830 to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith.

Please direct all communication relative to this patent application to the following correspondence address:

Customer Number 22830
CARR & FERRELL LLP
2200 Geng Road
Palo Alto, CA 94303
TEL: 650.812.3400
FAX: 650.812.3444

Respectfully submitted,

Date: 2/20/07


Jordan Breslow, General Counsel
Opware Inc.

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PTC/88/96 (12-05)
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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Glenn Ferguson et al.

Application No./Patent No./Control No.: 09/786,615 Filed/Issue Date: July 26, 2001

Entitled: Data Model for Automated Server Configuration

Upsware Inc., a corporation
 (Name of Assignee) (Type of Assignee: corporation, partnership, unincorporated firm, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or

2. ☐ an assignee of less than the entire right, title and interest
 (The extent (by percentage) of its ownership interest is _____ %)

In the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or a true copy of the original assignment is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: Glenn Ferguson et al. To: LoudCloud, Inc.
 The document was recorded in the United States Patent and Trademark Office at Reel 012304, Frame 0389, or for which a copy thereof is attached.

2. From: LoudCloud, Inc. To: Upsware Inc.
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.
 (NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

[Signature] Signature
Jordan Breslow Printed or Typed Name
General Counsel Title

2/22/07 Date
 _____ Telephone Number

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Delaware

PAGE 1

The First State

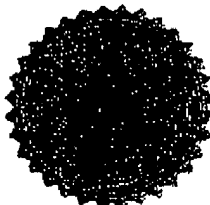
I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "LOUDCLOUD, INC.", CHANGING ITS NAME FROM "LOUDCLOUD, INC." TO "OPSWARE INC.", FILED IN THIS OFFICE ON THE FOURTEENTH DAY OF AUGUST, A.D. 2002, AT 5 O'CLOCK P.M.

AND I DO HEREBY FURTHER CERTIFY THAT THE EFFECTIVE DATE OF THE AFORESAID CERTIFICATE OF AMENDMENT IS THE SIXTEENTH DAY OF AUGUST, A.D. 2002.

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060301713



Harriet Smith Windsor

Harriet Smith Windsor, Secretary of State

AUTHENTICATION: 4632535

DATE: 03-30-06

SENT BY: LOUDCLOUD INC.;

4087447304;

AUG-14-02 12:12PM;

PAGE 2/2

STATE OF DELAWARE
SECRETARY OF STATE
DIVISION OF CORPORATIONS
FILED 03:00 PM 08/14/2002
020516079 - 3090394

CERTIFICATE OF AMENDMENT

OF

**THE AMENDED AND RESTATED CERTIFICATE OF
INCORPORATION**

OF

LOVINCLOTE, INC.

Pursuant to Section 242 of the General
Corporation Law of the State of Delaware

LOUDCLOUD, INC., a Delaware corporation (hereinafter called the "Corporation"), does hereby certify as follows:

FIRST: Article I of the Corporation's Amended and Restated Certificate of Incorporation is hereby amended to read in its entirety as set forth below:

The name of the Corporation is Opware Inc.

SECOND: The foregoing amendment was duly adopted in accordance with Section 242 of the General Corporation Law of the State of Delaware.

THIRD. This Certificate of Amendment of the Amended and Restated Certificate of Incorporation of Loudcloud, Inc. shall be effective on August 16, 2002.

IN WITNESS WHEREOF, the Corporation has caused this Certificate to be signed by the President and Chief Executive Officer of the Corporation on this 14th day of August, 2002.

Lowcloud, Inc.

Bye

Name: Benjamin A. Horowitz
Title: President and Chief
Executive Officer

OWP 124100Z/NTS C/C FLIGHTMAN ALL INFORMATION

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CHANGE OF CORRESPONDENCE ADDRESS Application

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/766,615
Filing Date	July 26, 2001
First Named Inventor	Glenn Ferguson
Art Unit	2128
Examiner Name	Russell Warren Frejd
Attorney Docket Number	PA3937US

Please change the Correspondence Address for the above-identified patent application to:

☒ The address associated with
Customer Number:

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☐ Firm or
Individual Name

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City

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I am the:

- ☐ Applicant/Inventor
- ☐ Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).
- ☒ Attorney or agent of record. Registration Number 58,417
- ☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____

Signature

Typed or Printed
Name

Daniel C. Kloke

Date February 22, 2007

Telephone 650.812.3400

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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